

Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2099, and that I be permitted to include tables, charts, and other extraneous matter.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from California?

There was no objection.

#### LIMITING TIME FOR CONSIDERATION OF DINGELL AMENDMENT TO H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the time for consideration of the Dingell amendment to H.R. 2099 and all amendments thereto be limited to 30 minutes to be equally divided and controlled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### PARLIAMENTARY INQUIRY

Mr. WILSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Mr. Speaker, is the Durbin-Wilson amendment the pending business before the House?

The SPEAKER pro tempore. It will be as soon as we are in the Committee of the Whole.

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2099.

□ 1430

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 28, 1995, pending was amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN] and title III was open for amendment at any point.

Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining in debate and the gentleman from California [Mr. LEWIS] has 1 minute remaining in debate.

□ 1431

Mr. WILSON. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I think we have had enough debate on this matter. It is a very, very cleverly worded amendment that has a tremendous effect upon EPA, broadening its authority. I ask very strongly for a "no" vote of the membership.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILSON. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Illinois [Mr. DURBIN] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there other amendments to title III?

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with great respect for the gentleman from California [Mr. LEWIS], the chairman of the committee, to discuss a matter which I think is of importance to the House.

I have here before me a release from the Chemical Manufacturers Association in which this trade association of the businesses which pay most of the costs of the Superfund tax are complaining.

In the beginning it says, nearly three-quarters of all Americans believe that money paid to the Federal Government to clean up our hazardous waste sites should not be diverted to other Federal programs or to help pay for the Federal deficit according to a recent national public opinion survey.

It goes on to discuss whether or not a prohibition for that use exists, and it points out, more properly, that no such prohibition does exist. Then, Mr. Fred Weber, the president of the Chemical Manufacturers Association which sponsored the research, says, and I quote now, "Almost from the very beginning, Superfund has been used by the government as a cash cow. This has to stop. Every dollar raised for Superfund should be spent on cleanups, not on other programs, and not on deficit reduction."

That is the thing, I think, with which every Member of this body fully agrees.

It certainly was the intention of the committees of the House, the Committee on Transportation and Infrastructure and the Committee on Commerce, when we adopted that legislation, that this would be a trust fund, it would be protected against being raided for such interesting programs as it has been tapped for, for other purposes.

Mr. Weber in his press release goes on to state as follows: "Nearly \$3 billion originally intended for cleaning up waste sites has been used for deficit reduction and to offset the cost of other Federal programs and administrative costs such as at the Environmental Protection Agency and at other agencies."

"For example, the Congress has used Superfund money to offset the costs of developing the Space Station," and he goes on to say the fact that Superfund money has been used by the government on things other than cleaning up waste sites is one of the great untold stories of the program.

It is also one of its greatest outrages, and he goes on to say a little later, "For years the government has collected more money for Superfund than it spends. For example, in fiscal year 1994, total Superfund receipts were nearly \$2.1 billion. However, the Congress appropriated only about \$1.5 billion for Superfund activities. By earmarking the nearly \$600 million in excess Superfund collections for deficit reduction and for use by other agencies, the Congress avoided having to cut spending to meet other budget guidelines."

Mr. Chairman, I am telling my colleagues something which is very important. Shortly we are going to be considering an amendment which will address the question of whether we are going to have new starts under Superfund to clean up hazardous waste sites now ready. Moneys which would normally be available for that activity are not being spent here.

I would like the attention of my dear friend and my respected colleague, the gentleman from California [Mr. LEWIS], on this matter, because I am told that the moneys that are being spent for Superfund cleanups are General Fund moneys, and the Superfund moneys in the Superfund account or trust fund are not, in fact, being so spent.

In point of fact, we are going to spend a little over a billion dollars on cleanup, but we have about \$1.6 billion in the trust fund. Mr. Chairman, can the gentleman from California tell me whether I am correct on that point?

Mr. LEWIS of California. Mr. Chairman, I would respond to the gentleman and say that we are taking all the authority out of Treasury.

Mr. DINGELL. Mr. Chairman, I am not talking about my amendment; I am asking a question to find out how this money is being spent. I am told that we are going to spend a billion for cleanup. We have \$1.6 billion in Superfund, but we are spending General Fund moneys; is that correct?

Mr. LEWIS of California. Mr. Chairman, that is correct.

Mr. DINGELL. Mr. Chairman, that is rather peculiar, and it is not in conformity with the intention of the House and the Senate when they passed the original Superfund legislation or the amendments to it, because that was supposed to be a trust fund for the cleanup of these hazardous waste sites.

Mr. LEWIS of California. Mr. Chairman, the gentleman has been a leader in this field for a long, long time, and as the former authorizing committee chairman, he knows full well that Superfund has not been reauthorized and so we are operating with a statute that all sides agree is in need of major reform. To say the least, there are problems with the way the Superfund operates. I would urge the authorizing committees to go forward quickly as possible to overcome these problems.

Mr. DINGELL. What the gentleman is telling me is that we are spending Superfund moneys for other purposes.

AMENDMENT NO. 38 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DINGELL:

Page 59, line 23, before "to remain available" insert "(increased by \$440,000,000)".

Page 64, line 16, after "\$320,000,000" insert (reduced by \$186,450,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan [Mr. DINGELL] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is an amendment which I offer on behalf of myself and the gentleman from Ohio [Mr. BROWN],

my friend and colleague. Mr. Chairman, this is a very simple amendment. Without the adoption of this amendment, 58 new starts of cleanups of hazardous sites will not be begun; there will be, without the adoption of this amendment, no new Superfund cleanups started next year.

The amendment is a very simple one. All it does is put about \$400 million more into Superfund. It takes it out of FEMA. We have it costed out very carefully by the Congressional Budget Office. Some 52 Members of this body will find that the land, the air, the water, the subsurface waters of their districts will continue to be contaminated with imminent endangerment to the health, welfare, and environment of their people and the districts that they serve.

Mr. Chairman, I would urge my colleagues to vote for this amendment because, I reiterate, without the adoption of this amendment, there will be no new starts under the cleanup program.

At the appropriate time, Mr. Chairman, I will insert into the RECORD a list including these 58 sites and the areas in which they are located.

Why is the amendment necessary? Because, as reported, the legislation contains a harmful reduction in the Superfund program of over \$500 million below the President's budget request and more than \$140 million below the fiscal year 1995 level.

Under this greatly reduced funding, progress at many sites will be frozen. Many other cleanups will be stopped. No new starts will occur, and there will be significant delays in cleanups all throughout the programs and throughout the sites in many parts of the country.

This is going to affect, I reiterate, the air, the water, the subsurface water, the soil, the environment and the health of the people in the area. This makes no sense. If this amend-

ment is not passed, the new sites that are now scheduled for cleanup—and all that has to be started is to do the digging and the work of making the cleanup move forward—will not start.

Communities will be denied cleanups that have been promised and in many cases contamination of the air, the water, the soil, and the subsurface waters especially, will continue to spread, and other cleanups further down the pipeline will have to wait even longer.

From a financial and cost standpoint, stopping these cleanups fits the old adage of "penny wise and pound foolish." Spreading contamination means ultimately higher cleanup costs, greater risk to the health and welfare of the American people. And stopping cleanups can harm and hurt economic development as well as the health of the people.

By stopping cleanups ready to go, which will happen unless this amendment is adopted, Congress will be breaching faith with the citizens who live around these areas and the affected communities.

The amendment, as I have observed, is outlay neutral, and it should be observed that cleaning up and protecting the health and the welfare of the American people by good forward on sites now ready to start, some 58 of them in districts of Members in every part of this country, Republican and Democratic districts alike, is something that we must address forthwith. I urge my colleagues that the amendment be adopted.

Mr. Chairman, let us begin the cleanups on these sites which would otherwise be stopped. I remind my colleagues, without this amendment, there will be no new starts on cleanup of Superfund sites in the United States.

Mr. Chairman, I reserve the balance of my time.

#### REMEDIATION CLEANUPS SCHEDULED FOR FISCAL YEAR 1996

State	Cong. dist.	Member	City	Site name
MA	03	Peter I. Blute	Dartmouth, MA	Re-solve Inc.
MA	05	Martin T. Meehan	Tyngsborough, MA	Charles-George Reclamation Landfill.
ME	02	John Baldacci	Washburn, ME	Pinette's Salvage Yard.
NH	01	Bill Zeliff	Kingston, NH	Ottai and Gross/Kingston Steel Drum.
NH	02	Charles Bass	Milford, NH	Savage Well Site.
NJ	02	Frank LoBiondo	Vineland, NJ	Vineland Chemical Co.
NJ	03	Jim Saxton	Beverly, NJ	Cosden Chemical Coatings Corp.
NJ	04	Christopher Smith	Roebbing, NJ	Roebbing Steel Co.
NJ	10	Donald Payne	Orange, NJ	U.S. Radium Corp.
NJ	11	Rodney Frelinghuysen	Millington, NJ	Asbestos Dump.
NJ	12	Dick Zimmer	East Brunswick Township, NJ	Fried Industries.
NY	04	Daniel Frisa	Franklin Square, NY	Genzale Plating Co.
PA	06	Tim Holden	Worman TWP., Boyertown, PA	Cryochem Inc.
PA	11	Paul Kanjorski	Valley TWP., PA	NW Manufacturing Site.
PA	16	Robert Walker	Newlin TWP., PA	Strasburg Landfill.
VA	04	Norman Sisisky	Chuchatuck, VA	Saunders Supply Co.
VA	10	Frank Wolf	Front Royal, VA	Avetx Fibers, Inc.
WV	02	Robert Wise, Jr	Nitro, WV	Fike Chemical Inc.
AL	01	Sonny Callahan	Bucks, AL	Stauffer Chemical Co. (Cold Creek Plant).
FL	01	Joe Scarborough	Pensacola, FL	American Cresote Works (Pensacola Plant).
FL	22	E. Clay Shaw, Jr	Miami, FL	Anodyne Site, Inc.
MI	09	Dale Kildee	Pleasant Plains TWP., MI	Wash King Laundry.
MN	04	Bruce Vento	New Brighton, MN	MacGillis and Gibbs Co./Bell Lumber and Pole.
OH	16	Ralph Regula	Uniontown, OH	Industrial Excess LDFL.
OK	06	Frank Lucas	Cyril, OK	Oklahoma Refining Co.
TX	30	Eddie Bernice Johnson	Dallas, TX	RSR Corp.
NE	03	Bill Barrett	Hastings, NE	Hastings Ground Water Contamination Site.
CO	03	Scott McInnis	Summitville, CO	Summitville Mine Site.
AZ	01	Matt Salmon	Scottsdale, AZ	Indian Bend Wash Area.
NV	02	Barbara Vucanovich	Moundhouse, NV	Carson River Mercury Site.

## REMOVAL CLEANUPS SCHEDULED FOR FISCAL YEAR 1996

State	Cong. dist.	Member	City	Site
NJ	02	Frank Lobiundo	Pedricktown, NJ	NL Industries.
NY	30	Jack Quinn	Minetto, NY	Columbia Mills
WV	01	Alan B. Mollohan	Fairmont, WV	Fairmont Coke Works.
VA	03	Robert C. Scott	Richmond, VA	Hymon Viner.
DE	01	Michael N. Castle	New Castle, DE	Halby Chemical Co.
WV	04	Nick J. Rahall II	Fairdale, WV	Holly Hills.
OH	13	Sherrod Brown	Lorain, OH	Lorain County Pesticides Site
OH	04	Michael G. Oxley	Mansfield, OH	Lincoln Fields.
MI	01	Bart Stupak	Manistique, MI	Manistique River and Harbor.
MI	06	Fred Upton	Benton Harbor, MI	Benton Harbor.
IN	03	Timothy J. Roemer	Osceola, IN	Galen Meyers Site.
AK	02	Ray Thornton	Jacksonville, AK	Vertac.
OK	02	Thomas A. Coburn	Miami, OK	Tar Creek (Ottawa County).
TX	02	Charles Wilson	Jasper, TX	Hart Creosote.
LA	04	Cleo Fields	Bossier City, LA	Highway 71/71 (Old Citgo Refinery)
MO	01	William (Bill) Clay	St. Louis, MO	East Texas.
MO	01	William (Bill) Clay	St. Louis, MO	Dioxin Sites.
CO	01	Patricia Schroeder	Denver, CO	Ramp Industries.
UT	03	Bill Orton	Magna, UT	Kennecott Tailing/North Zone (Cobalt Ponds).
CO	06	Dan Schaefer	Conifer, CO	Conifer/Aspen Park Carbon Tet.
UT	03	Bill Orton	Midvale, UT	Midvale Slag.
UT	02	Enid Waldholtz	Salt Lake City, UT	Sandy City Smelter Residential.
CO	03	Scott McInnis	Grand Junction, CO	Hansen Container.
WY	At Lrg	Barbara Cubin	Lovell, WY	Lovell Refinery.
UT	02	Enid Waldholtz	Salt Lake City, UT	Butterfield Lumber.
AZ	01	Matt Salmon	Tempe, AR	Saunders Aviation.
CA	01	Frank Riggs	Clear Lake, CA	Sulphur Bank.
CA	25	Howard P. McKeon	Los Angeles, CA	Superchrome.

Mr. LEWIS of California. Mr. Chairman, I rise in strong opposition to the amendment of my colleague. Mr. Chairman, just for the record, the gentleman from Michigan [Mr. DINGELL] mentions that there will be no new sites, and he mentions, specifically, 58 sites that will not be moving toward construction if we do not move forward with this amendment, and the volume of money that is involved here.

Mr. Chairman, I would suggest to the gentleman that it would have helped the process an awful lot if over the last several years we had gone about reauthorizing and fixing Superfund. The Secretary herself, testifying before my subcommittee, said that Superfund absolutely needs to be fixed. It is broken. Indeed, there is a long process with those 15 sites. They have to go through a record of decision. There is environmental impact analysis to be done. There is no question that there is need for money, but why should we throw good money after bad if the program is not fixed by the authorizing committee.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio. [Mr. OXLEY].

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my good friend, the gentleman from Michigan.

As the chairman of the primary subcommittee in charge of reforming the Superfund program, I also wanted increased funding for Superfund. I, along with the gentleman from Virginia, Chairman BLILEY, and the gentleman from Pennsylvania, Chairman SHUSTER, wrote to Chairman LEWIS and requested funding for the Superfund program that reflected fiscal year 1995's appropriation. Unfortunately, the Appropriations Committee simply could not provide that level of funding. While that makes my job of reforming the Superfund program more difficult, the appropriators' rationale is a sound one—that we can no longer afford to

waste money on a Superfund program which simply doesn't work.

If you are under the impression that Superfund works well, we need only to look at the case of Southern Foundry Supply Co., a family-owned business located in Chattanooga, TN. As shown on this chart, EPA spent approximately \$1.3 million studying the site. Southern Foundry was forced to spend an additional \$500,000 in attorneys' fees and in conducting its own studies. Some 15 years and \$2 million later, Southern Foundry escaped the Superfund web by spending \$38,000 and 2 days scooping up nonhazardous dirt and shipping it off-site. It is a perfect example of how Superfund works—millions for lawyers and consultants but little for actual cleanup. It's no wonder that the Appropriations Committee doesn't think that this program should continue without significant reform.

I think it is vitally important that we are clear about what the Appropriations Committee is doing in this bill. Realizing that we will have limited funds now and into the future, the appropriators have said that we can no longer afford to throw away money on ineffective cleanups and endless litigation. They have said that EPA should wait until Congress reforms this program before they go forward with any more flawed remedies or make the Federal Government responsible for any new sites. And, frankly, I agree.

Superfund's track record speaks for itself: since the program was enacted in 1980, only 75 sites have been cleaned up at a cost to the Federal Government of more than \$15 billion.

What many of my colleagues fail to realize is that the appropriations bill before us actually spends more on cleanup than EPA has in the past. In this bill, nearly 65 percent of the funds are directed to cleanup. Even though EPA claims that as much as 70 percent of Superfund dollars are for cleanup, my subcommittee found that less than 50 percent of that money ends up being spent on Superfund sites. What is re-

duced in this bill is EPA bureaucrats and Justice Department lawyers.

This appropriations bill is the natural predecessor to my subcommittee's reform effort. It redirects funds to cleanup, and imposed a deadline on the Congress and the administration for reforming the Superfund program. If we can't make this program work by the end of the year, then the American people are better off without it.

If we leave the status quo intact, who wins? Not the environment; not the people who live near these sites; certainly not the American taxpayer. A little more money won't help this program clean up more sites or make Americans any safer, particularly when shifting that money from FEMA will leave our citizens more exposed to the ravages of disasters, both natural and manmade. The only thing that can make Superfund more effective in protecting our citizens' health is top to bottom reform, and the bill we are debating today is the first step in that effort. The authorizing committee will totally change the Superfund program for the better. The authorizing committee will take the next step this fall.

I urge my colleagues to oppose the Dingell-Brown amendment and support the bill as is on final passage.

□ 1445

Mr. DINGELL. Mr. Chairman, I yield myself 1 minute.

My good friend from Ohio, for whom I have the most enormous respect, sent a letter to the appropriating subcommittee, which I will insert the entirety of in the RECORD because I know the gentleman has forgotten sending the letter, in which the gentleman from Ohio [Mr. OXLEY], the chairman of the committee, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Pennsylvania [Mr. SHUSTER], and this letter written to you, to my good friend, the gentleman from California [Mr. LEWIS], "Therefore, we respectfully request that you include in your subcommittee mark of the VA-

HUD appropriations bill an appropriation for the Superfund program of at least \$1.5 billion in new budgetary authority," quite different from what my friend from Ohio tells us today.

I would also remind my good friend from Ohio that last year, out of the Committee on Commerce came a bill passed 44 to nothing which was endorsed and supported by the administration, by industry, by the environmentalists and by everybody on the committee. It has been reintroduced by the gentleman from California [Mr. MINETA] and me, and lies in the gentleman's subcommittee.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 20, 1995.

Hon. JERRY LEWIS,  
Chairman, Subcommittee on VA-HUD and Independent Agencies, Committee on Appropriations, Washington, DC.

DEAR JERRY: As you know, the authorization of appropriations for the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as Superfund, expired at the end of fiscal year 1994, and the program has been operating without an authorization since then. The various committees of jurisdiction have tried unsuccessfully for years to make Superfund into a program that achieves the goal of protection of human health and the environment. We intend to reverse that failed record this year by reforming Superfund to make it fairer, cheaper, and more effective.

We are writing to request your assistance in rebuilding this broken program from the bottom up. We want to ensure that Superfund is actually protecting Americans from the hazards of toxic waste and not just financing another generation of lawyers at the expense of the taxpayers. To do that, we need a program focusing on finding cost effective solutions to hazards rather than on assessing blame and raising funds.

At the heart of the Superfund "blame game" is the system of strict, joint and several, and retroactive liability. If we, the authorizing committees, are to reform this program and get Superfund out of the courts and onto these sites, then we must comprehensively reform the current Superfund liability system, including a repeal of retroactive liability. In order to do that and still ensure that truly hazardous sites are being cleaned up, we must have the maximum funding possible for fiscal year 1996 and into the future.

Therefore, we respectfully request that you include in your Subcommittee mark of the VA-HUD Appropriations bill an appropriation for the Superfund program of at least \$1.5 billion in new budget authority. This amount is consistent with funding levels for previous years, and is necessary to ensure that we have the operating funds necessary in the first years of the reformed program. We are open to working with you on reprogramming funds within Superfund to ensure that this year's program is consistent with the goals we have set forth for our reform effort.

There is broad consensus that Superfund is a broken program in need of immediate fixing. If we cannot achieve the kind of meaningful, comprehensive reform of CERCLA that all of us believe is necessary—and which prior Congresses have been unable to deliver—this is a program which simply should not be continued. Accordingly, we also ask that you make the availability of appropriations for Superfund beyond December 31, 1995 contingent upon the enactment of CERCLA's

reauthorization. We believe the program should be terminated if we cannot pass a Superfund reform worthy of being signed into law.

Thank you for considering our views. We stand ready to work with you to reach a consensus on a reform package allowing us to achieve the kinds of fundamental reforms necessary while fulfilling our common goal of a balanced budget.

Sincerely,

THOMAS J. BLILEY, Jr.,  
BUD SHUSTER,  
MICHAEL G. OXLEY.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Let me point out, I pointed out in my response about that letter; I referenced the fact that Chairman BLILEY, Chairman SHUSTER, and I sent a letter to the gentleman from California in my remarks and recognize that they have a job to do as well, and they recognize that the program as it is now constituted is simply not working.

And so they said to us, "Look, you get your act together, get a good bill passed, and we will reconsider the kind of money that will be available in the Superfund Program." I think that is entirely, entirely reasonable.

As a matter of fact, the bill that the gentleman from Michigan referred to we all worked very hard on, did not pass.

Mr. DINGELL. The Republicans killed it.

Mr. OXLEY. Right. If you recall, the last time I looked in the 103d Congress, the Democrats were in control. We were not able to kill anything.

The fact is this bill will pass this year and will be a major reform of the Superfund Program. We will keep faith with the appropriators, keep faith with the American people, we will keep faith with the environment. I am entirely confident that will be the case.

Mr. LEWIS of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I might mention at the tail end of that discussion between the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. OXLEY] that we are allocated only so many dollars within our bill, very difficult dollars to stretch among these various accounts.

This specific proposal would be a budget buster insofar as our bill is concerned. We are talking about approximately \$89 million in outlay. We would be short if this amendment were to become law.

I strongly urge the membership to refuse this additional allocation and recognize the bill does have to stay within its outlay targets.

I ask for a "no" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Michigan [Mr. DINGELL], in large part

because there will not be one new started cleanup, not one new cleanup if this amendment does not pass.

This amendment ensures 55 important projects currently slated to begin in fiscal year 1996 can go forward. It is fully funded through an offset in funding for FEMA, which currently holds nearly \$1.8 billion in unobligated funds.

In Elyria, Ohio, in my district, hundreds of homes and businesses have been affected by application of methyl parathion, a toxic pesticide which can damage the central nervous system and the brain. This pesticide was illegally applied by an unlicensed exterminator, affecting many Ohio communities.

Short-term effects of exposure to methyl parathion include headache, vomiting, lung damage, mental disorder, coma, paralysis, heart failure, and even death. As little as a teaspoon can cause serious illness, especially in children or elderly who are particularly vulnerable.

This cleanup in Elyria is ongoing. As of June 10, 105 units were decontaminated, 75 residential homes restored, 430 residents were temporarily relocated, and 225 returned to their homes.

But these numbers represent only 50 percent of what needs to be done. Contaminated homes are still being identified. The situation is dire in Lorain County and needs continued attention.

This is only one example of the 55 sites which would be restored by this amendment, and I repeat what the gentleman from Michigan said, that if this amendment does not pass, none of these cleanups will begin.

Certainly we must reform Superfund to ensure that it cleans up more sites rather than continuing to line lawyers' pockets, but the projects that will be eliminated by cutting funding included in this bill pose an imminent threat to the health of human beings in our communities.

This is the very goal, obviously, for which Superfund was created. The funding cut will halt the progress that we have made. It will tie the hands of the EPA. It will punish residents in Lorain County, Ohio, and 54 other communities, including one in Richland County in the district of my friend, the gentleman from Ohio [Mr. OXLEY].

Furthermore, the longer we wait the more expensive the cleanup will become. As pesticide leaches into ground water, rivers, streams, and contamination spreads, cleanup costs will only increase.

The language of the report accompanying H.R. 2099 seems to say that it is OK to finish studies but not to design the remedy. It is OK to finish the design but not to proceed with cleanup. It is OK to prohibit EPA from overseeing cleanups being undertaken by private, responsible parties, and it is OK for Congress to tell our communities that we will just have to wait indefinitely for this cleanup.

Mr. Chairman, this is wrong. It is not OK to ask our communities to wait for us to address the toxic chemicals that

contaminate our homes and schools and businesses.

The Dingell amendment simply makes sense so our communities do not have to wait for this cleanup.

If the gentleman from Michigan [Mr. DINGELL] would engage briefly in a colloquy, is it correct, I ask the gentleman from Michigan [Mr. DINGELL], whether State cleanup managers of the 50 States strongly support this amendment restoring cleanup money now for fiscal year 1996?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. The answer to the question is "yes," and I have a letter on that point which we will insert in the RECORD at the appropriate time.

Mr. BROWN of Ohio. It is my understanding these same managers in the 50 States have said that overall costs will increase if we do not pass this amendment, that contamination, if unabated, could spread, and that most important, surrounding communities will continue to be subjected to health risks posed from these sites. Is my understanding correct?

Mr. DINGELL. If the gentleman will yield further, that is correct, and these are Superfund sites, because they have been chosen under the criteria as areas and as contamination sources which impose imminent endangerment upon the public health in the area.

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS,

Washington, DC, July 26, 1995.

Hon. JOHN D. DINGELL,  
Ranking Member, House Commerce Committee,  
Washington, DC.

DEAR CONGRESSMAN DINGELL: I am writing on behalf of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), whose membership includes the State cleanup program managers. Our members are engaged in the day-to-day remediation of sites throughout the country and therefore have a fundamental interest in ensuring the Superfund program is adequately funded. The purpose of this letter is to communicate our strong support for your amendment to H.R. 2099 restoring \$440 million to the Superfund budget.

After 15 years of experience with the Superfund program, many NPL sites are now in the remedial design and construction phase. Delaying site progress at this stage will have far reaching impacts, i.e., the overall costs associated with these sites will increase; contamination, if left unabated, could spread; and most importantly, surrounding communities will continue to be subjected to health risks posed from these sites. We believe an expectation has been created in the minds of the American public that no matter where one lives or what economic class one belongs to, human health will be protected. As we understand, your amendment will allow at least fifty-five (55) remedial and removal actions to proceed uninterrupted.

While the federal Superfund program is directly responsible for ensuring the remediation of approximately 1300 NPL sites, it can also be credited with indirectly spurring the growth of over 20 State Voluntary cleanup programs and over 40 State Superfund programs. As of 1992 State programs have reme-

diated 2,689 sites and are currently working on an additional 11,000 active sites. The Federal Superfund program provides the backbone for these cleanups and must be sufficiently funded.

State Waste Officials thank you for your support.

Sincerely,

TERESA D. HAY,  
President.

Mr. BROWN of Ohio. I again ask for support of the Dingell amendment. Fifty-five sites will not be cleaned up if this amendment does not pass.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to my distinguished friend, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I am pleased to support the Dingell amendment to restore funding for the Superfund hazardous waste cleanup program.

What is the major complaint heard year after year about the Superfund program? Not enough cleanup, not enough shovels in the ground. Well, EPA heard those criticisms and rearranged the priorities of the Superfund program to assure the maximum amount of cleanup with the minimum amount of delay. Now, as EPA is continuing to increase the number of cleanups, the Appropriations Committee decides to refuse to fund those cleanups.

This is not what is in the best interests of the Superfund program. And, it clearly is not what is the best interests of the people living in the vicinity of the 58 sites which will receive no cleanup should the Dingell amendment fail.

There is no valid reason to hold back on the cleanup of these sites just because you believe, as we all do, that the Superfund program needs reform. The cleanups which would be restored by the Dingell amendment are EPA cleanup sites. They are sites at which the Superfund program is providing the funding for cleanup. These are not sites which would be affected by any change in the liability mechanism of Superfund.

Congress may or may not determine to alter the liability mechanism of Superfund. But, liability is not an issue in the cleanup of these 58 sites. These are EPA-led sites where there is no private party involvement. Congress can repeal the liability mechanism, retain it, or adopt a compromise—it will not matter to the cleanup of these sites. What will matter is whether EPA is allowed the resources to initiate cleanup action on these sites.

Failure to initiate cleanup at these sites poses a serious health threat to those who live nearby. Twenty-five of these sites are scheduled removal actions. Removal actions are only undertaken as short-term responses where there is a public health threat which needs to be abated. Without the Dingell amendment, some 25 sites, in 19 States, and in 22 congressional districts, will not receive attention next year, yet the health threat will remain.

An additional 30 sites are scheduled for remedial actions. Again, this bill

will prevent the cleanup of sites in 19 States, and in 30 congressional districts. Superfund reform is supposed to be in the name of getting on which cleanups, yet when EPA proposes to move forward on cleanups, EPA is told it cannot have the resources to do so.

I question whether the Republican leadership is serious about Superfund reform. As we debate this bill in July, there is but one comprehensive reform bill pending before the Congress—H.R. 228, which was introduced on the first day of the session by Mr. DINGELL and myself. Now, 7 months into the Congress, there is not one comprehensive reform bill pending from the majority party. At the same time, the Appropriations Committee has determined that Superfund will be shut down entirely should reform not occur before the end of this year.

Why the delay? The bill Mr. DINGELL and I introduced from last year had the support of organizations such as NFIB, CMA, the U.S. Conference of Mayors, the American Bankers Association, several environmental groups, and the administration. But, there has been no action. There is not even anything scheduled toward enacting reform.

If the majority wants Superfund reform, pass H.R. 228, but don't kill the program while awaiting reform. There has been a reasonable, responsible proposal before the House for over 6 months, let's get on with it.

Let's also get on with cleanups which are ready to go—support the Dingell amendment.

Mr. DINGELL. Mr. Chairman, how much time remains to me?

The CHAIRMAN. The gentleman from Michigan has 1 minute remaining.

Mr. DINGELL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to try to summarize this very briefly, and I do so with great respect to the chairman of the subcommittee, also the chairman of the legislative subcommittee.

The issue before us is very simple. The gentleman is going to conclude; all I am going to do is use 1 minute.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, out of respect for my colleague from California and my chairman, especially my colleague's mother-in-law, I will be happy to yield a couple more minutes to the gentleman.

Mr. DINGELL. Mr. Chairman, I am grateful. I do not think we need it, but I want to thank my good friend.

There is one bill pending, but that bill will not be enacted this year because it is only going to come up in September, and we are going to be very busy during the month of September. What this failure to adopt this amendment will do to us is it will mean that committees will be dawdling while the country is afflicted with some 58 sites which are decided already to be imminently dangerous to the public health

welfare and to the environment. There will be no cleanup, there will be no new starts. Pollution of ground water, air, soil, and surface water will continue unabated. How many Americans will have to die because we do not address this? How many will get cancer? How many will suffer health failures and health problems because of this failure? There are some 52 congressional districts and some 58 sites involved here.

I plead with my colleagues, and I say this with respect to my good friends on the Republican side, let us clean up these sites, let us spend the money, let us do what has to be done now. The money is here. The appropriations arrangement will move the money from where it is not needed to where it is, and we can begin to address an imminent problem immediately affecting the health and the well-being of American people in some 19 States and in some 58 areas.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not as though this program is not funded in our bill. We do provide for an additional billion dollars, and I know that there are those who suggest that there is a need for more. But I must say to my colleagues in the House that one of the objectives here is to put pressure on the entire process, perhaps even get the other body to respond to the authorizing process. Unless this program is reformed, there is something fundamentally wrong with his continuing to throw money at it without that basic reform. I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Michigan [Mr. DINGELL] will be postponed.

Are there further amendments to title III?

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Chairman, there is a disturbing provision in this bill that deserves to be brought to the attention of my colleagues. For some inexplicable reason, the committee has included \$1 million for the Council on Environmental Quality [CEQ] to terminate the programs and activities of the National Environmental Policy Act and to close the Council's doors.

The establishment of CEQ occurred at a time when we were just beginning to understand that major activities of the Federal Government can, and frequently do, have significant impacts on the environment. Today, thanks in part to NEPA and CEQ, we understand that a thorough examination of the impacts of our actions is critical to balancing economics and environmental protection.

I cannot understand why this body would want to shut down CEQ. The Council has a long and distinguished bipartisan history going back 25 years to the Nixon administration. Former Under Secretary of the Interior for President Nixon, Russell Train, and the former Republican Governor of Delaware, Russell Peterson, were the first two chairmen of CEQ—and to this day, both believe that the enactment of NEPA, with its concurrent establishment of CEQ, is the most significant environmental law passed in the last quarter century.

NEPA is not about controlling development, limiting growth, or fostering preservation. NEPA is about ensuring balance in Federal decisionmaking. It is the law that first opened up Federal decisionmaking to citizen involvement. For those of my colleagues who are suspicious of the big, bad Federal bureaucracy, may I remind you that it is NEPA which ensures that State and local governments and your affected constituents have an opportunity to make their views known to a Federal agency proposing to undertake a particular action in their backyard?

The committee's report on this bill points to the need for increased coordination in implementing environmental policy within the executive branch. Then, without any apparent explanation, the recommendation is made to get rid of CEQ. I also have serious concerns about the ambiguity in the language, which could be construed as an attempt to repeal NEPA itself, although I do not believe that was the committee's intention.

I do not intend to press this matter further at this time, although I'm convinced that this provision makes an already bad bill even worse. But I would say to the gentleman from California, the chairman of the subcommittee, that I and others from this side of the aisle are very concerned about this, and would like the opportunity to discuss the issue with you prior to your conference with the Senate.

The CHAIRMAN. Are there further amendments to title III?

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the full 5 minutes. I have repeatedly expressed my great respect and affection for the gentleman from California [Mr. LEWIS], and I again do so at this time because he is a very fine person and a very valuable Member of this body. I do rise, as has the gentleman from Massachusetts [Mr. STUDDS], to express concern about the fact that funds for the Council on

Environmental Quality have been stricken from the bill.

When the Congress adopted the basic legislation, the National Environmental Policy Act, years ago, as a matter of fact some 30 years ago, it was our purpose to set up one agency inside the Office of the President. The function of that agency would be to advise the President on environmental matters, to serve as a clearinghouse on environmental matters and concerns, to see to it that the differing and diverse policies of the Federal Government on the area of environment were knit together in something of a better unitary whole than that which had been done before. We found that the Council on Environmental Quality over the years has done so, and it is an agency which is small in number and which is low in budget, but which nevertheless has contributed enormously by seeing to it that different policies on the environment adopted by different agencies inside the Federal Government are rationalized, are harmonized, and that the agencies talk together and work together to resolve differences so we can have coherence rather than cacophony.

I am deeply troubled that these monies have been stricken almost in their entirety. I do urge my colleague, the chairman of the subcommittee, to try and do something to get this money back in here or at least a little because the agency serves an enormously valuable purpose. Without it there will be no coherence in the environmental policies of the United States, and I think that that would be a calamity.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the comments the gentleman is making regarding CEQ. I really thought it would be appropriate to refer to the language that is in the report regarding this matter, for we agree, the committee agrees, that the work of CEQ in many ways has been very valuable, but we go on to say that the committee is nevertheless concerned that greater oversight and coordination of environmental policy and actions of the many Federal departments and agencies is necessary. Far too often environmental policy, as articulated by the White House, bears no relationship to the actual implementation of that policy. It is our concern, and frankly I will say to the gentleman that between now and conference I would hope to look with great care as to what continuing contributions CEQ could make.

Mr. DINGELL. I certainly hope so, because I observe to my good friend that this has been the Agency which has rendered coherent the policies of the Federal Government on the environment, and without it and without this money I do not think we could look forward to the same process being as successful as it has been heretofore.

The CHAIRMAN. Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

#### TITLE IV CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

#### RESOLUTION TRUST CORPORATION OFFICE OF INSPECTION GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended \$11,400,000.

The CHAIRMAN. Are there amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

#### TITLE V GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the

Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include

a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The CHAIRMAN. Are there amendments to title V?

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we communicated a good deal of this in the initial stages of the bill, but I would like to have the Members know one more time just how



much I appreciate the very, very positive and constructive working relationship that I have had with my colleague, the gentleman from Ohio [Mr. STOKES]. He was my chairman during the last Congress. His friendship is very important to me, and I must say that during this process of transition, working together has been extremely positive in spite of the fact that the shift in policy direction is not necessarily always to the agreement of the gentleman. He has been willing to communicate at every step of the way and has been very cooperative and helpful in the process, and I appreciate that.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. I would like to say how much I appreciate the comments of the chairman of the subcommittee, and I would just like to say in return that working with the gentleman from California [Mr. LEWIS] has been one of the most enriching experiences of my career here in the Congress, and I think I said this on other occasions, but I reiterate it here again, that notwithstanding whatever philosophical changes or difference now exist as a result of the majority changing in this Congress, working with the gentleman from California has been an experience which has meant a great deal to me. I have enjoyed cooperating and working with him, and while we have changed chairmanships, from myself over to him, I do want him to know that I have enjoyed working very closely with him and look forward to a continued personal relationship of the kind that we have had.

Mr. LEWIS of California. I appreciate the comments of the gentleman very much.

Mr. Chairman, I yield back the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as my colleagues know, I have an amendment that is currently filed at the desk that would bar the Federal Government from making any per diem payments to a State veterans administration nursing home if that nursing home has undergone privatization which results in the diminution of services or care to the veterans, the quality of their health care, or quality of life. It is my understanding, Mr. Chairman, that in your judgment the Secretary of Veterans Affairs currently has this authority and would indeed be required under current law to bar per diem payments to any State nursing home who sees a decline in the quality of care following a privatization of services.

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Since in your judgment, Mr. Chairman, this authority is already vested in the department, I assume it is your judgment that it would be unnecessary for the House to reaffirm this authority.

Because we share a concern with a possible privatization in the district of the gentlewoman from New Jersey [Mrs. ROUKEMA], but in the county which we jointly represent, I would like at this time, Mr. Chairman, to yield to Mrs. ROUKEMA.

Mrs. ROUKEMA. Mr. Chairman, actually I wanted to hear from the gentleman from California [Mr. LEWIS], his observations regarding our understanding concerning the existing legislation that controls this issue.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, it is my understanding the intent of the gentleman's amendment is already existent in current law, and the Department of Veterans Affairs has the legal authority to withhold these payments if the concerns that the gentleman has made come to fruition.

Mr. TORRICELLI. Mr. Chairman, if the privatization of a Federal-State nursing home were to happen, and the concerns I enumerated, such as a decrease in the number of nurses or other tangible signs of a decrease in the quality of care provided to the veterans would occur, the Federal Government has the legal authority to withhold per diem payments to that facility.

Mr. Chairman, the concurrence of the gentleman from California, Chairman LEWIS, with this judgment and his commitment to work with me and the gentlewoman from New Jersey, Mrs. ROUKEMA, to require that the VA take this action seriously, is extremely important. I take from the gentleman's comments, Mr. Chairman, that indeed is the belief and commitment of the gentleman of California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, my colleagues from the committee have my commitment.

Mrs. ROUKEMA. If the gentleman would yield further, I certainly appreciate the assurance of the gentleman from California, Chairman LEWIS, and would like to make some important observations of my own.

Mr. Chairman, over the last few days I have conducted extensive research on Mr. TORRICELLI's amendment. We have confirmed several key points:

Whether our Paramus home is operated by State employees, private contractors or some combination of the two, one thing is clear: Responsibility for the quality of care at the home will not change.

It rests with the New Jersey Commissioner for Veterans Affairs as monitored by the New Jersey Department of Health and enforced by the U.S. Department of Veterans Affairs. The VA's quality assurance program, as outlined in subchapter 5 of chapter 17 of title 38 of the United States Code, includes precise standards on both the range and the quality of care and—this is critical—an enforcement regime.

Throughout the State's privatization study, I have expressed serious reserva-

tions. In fact, based on recent bids, I believe this proposal will not go forward.

Our State commissioner of veterans affairs, Gen. Paul Glazer sat in my office last Wednesday and pledged that the quality of care will not be diminished whether services are contracted out or not. I know that to be his commitment, the Governor's commitment and the New Jersey legislatures.

Mr. Chairman, when it comes to our veterans, we cannot ignore our sacred commitment to protect them in their time of need, just as they served us in our time of need. We must preserve, protect and enhance the quality of care at the veterans' health care facilities around the country, including our veterans' memorial home at Paramus.

I yield back the balance of my time.

Mr. LEWIS of California. If the gentleman will yield further, I appreciate my colleagues bringing this matter to my attention. I assure both Members we will continue to work with them. If our good offices will help open the channels of communication with the Department of Veterans Affairs, we are happy to be of service.

Mr. TORRICELLI. I thank the gentleman from California. The gentlewoman from New Jersey [Mrs. ROUKEMA] joined with me in this, and the bipartisan leadership of the New Jersey legislature, to assure that we will watch the Paramus Nursing Home, the quality of its care, the numbers of nurses, the quality of the food, to ensure that these people, who served our country so well, are not jeopardized.

Mr. Chairman, I will not ask for my amendment.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PORTER) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

#### SPECIAL ORDERS

SEIZE THE OPPORTUNITY: CONTINUE B-2 BOMBER PRODUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. DICKS] is recognized for 60 minutes as the designee of the minority leader.

Mr. DICKS. Mr. Speaker, I took this special order today in order to again be able to present my very strong and deeply held concerns about the future